

STEVEN M. BIERMAN  
SIDLEY AUSTIN LLP  
787 SEVENTH AVENUE  
NEW YORK, NY 10019  
(212) 839-5300

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICROSOFT CORPORATION

v.

ACACIA RESEARCH CORPORATION

CASE NUMBER:  
13 CV 8275

PROOF OF SERVICE  
SUMMONS AND COMPLAINT

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> summons  | <input type="checkbox"/> first amended complaint  | <input type="checkbox"/> third party complaint |
| <input type="checkbox"/> complaint  | <input type="checkbox"/> second amended complaint | <input type="checkbox"/> counter claim         |
| <input type="checkbox"/> alias summons                                      | <input type="checkbox"/> third amended complaint  | <input type="checkbox"/> cross claim           |
| <input checked="" type="checkbox"/> other <b>SEE ATTACHED DOCUMENT LIST</b> |   |  |

2. Person served:

- a. ☒ Defendant (name:) **ACACIA RESEARCH CORPORATION**
- b. ☒ Other (specify name and title or relationship to the party/business named):  
**PAUL R. RYAN OR MATTHEW VELLA - REGISTERED AGENTS**
- c. ☒ Address where the papers were served: **500 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660**

3. Manner of Service in compliance with (the appropriate box must be checked):

- a. ☐ Federal Rules of Civil Procedure
- b. ☒ California Code of Civil Procedure

4. I served the person named in Item 2:

- a. ☐ By **Personal Service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
1. ☐ **Papers were served on (date):** at (time):
- b. ☒ By **Substituted Service**. By leaving copies: **SHERYL WILLESORD - PARALEGAL (2 SET OF DOCUMENTS FOR EACH AGENT)**  
**Age: 60 Yrs. Old Weight: 160 Lbs. Hair: Brown Sex: Male Height: 5'9" Eyes: Race: Caucasian**
1. ☐ **(home)** at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
2. ☒ **(business)** or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
3. ☒ **Papers were served on (date): 11/20/2013 at (time): 02:45 pm**
4. ☐ **by mailing (by first-class mail, postage prepaid)** copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
5. ☒ **papers were mailed on Nov 20, 2013 - DECLARATION OF MAILING ATTACHED**
6. ☐ **due diligence**. I made at least three (3) attempts to personally serve the defendant.
- c. ☐ **Mail and acknowledgment of service**. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. **(Attach completed Waiver of Service of summons and Complaint).**

1609 James M. Wood Blvd., 2nd Fl

Los Angeles, CA 90015

Phone: (213) 249-9999 Fax: (213) 249-9990

Continued from Proof of Service

**CASE #:** 13 CV 8275

**DATE:** November 21, 2013

**CASE NAME:** MICROSOFT CORPORATION VS. ACACIA RESEARCH CORPORATION

**SERVED:** SHERYL WILLESORD - PARALEGAL (2 SET OF DOCUMENTS FOR EACH AGENT)

**SUMMONS IN CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET; ORDER GRANTING MOTION OF PLAINTIFF MICROSOFT CORPORATION TO FILE CERTAIN DOCUMENTS UNDER SEAL; DECLARATION OF JAMES D. ARDEN IN SUPPORT OF MICROSOFT'S MOTION TO SEAL; RULE 7.1 STATEMENT; JUDGE PAUL A. CROTTY, U.S.D.J RULES; JUDGE MICHAEL H. DOLINGER RULES; SDNY ECF RULES ON ACACIA RESEARCH CORPORATION**

- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing *(by first-class mail, postage prepaid)* copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. **(Attach a copy of the order to this Proof of Service.)**
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California *(by first-class mail, postage prepaid, requiring a return receipt)* copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- h. ☐ **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: *(date):* at *(time):*
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving *(name, address and telephone number):*



**FRANK HARRIGAN**  
**Nationwide Legal, LLC (12-234648)**  
**1609 James M. Wood Blvd., 2nd Fl**  
**Los Angeles, CA 90015**  
**(213) 249-9999**

a. Fee for service: \$ .00

- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server  
 Registration # :1530  
 County: **Orange**

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: **November 21, 2013** \_\_\_\_\_  
**FRANK HARRIGAN**  
*Type or Print Server's Name*

\_\_\_\_\_  
*(Signature)*

**PROOF OF SERVICE - SUMMONS AND COMPLAINT**

Attorney or Party without Attorney: STEVEN M. BIERMAN SIDLEY AUSTIN LLP 787 SEVENTH AVENUE NEW YORK, NY 10019 TELEPHONE No.: (212) 839-5300 FAX No. (Optional): (212) 839-5599 E-MAIL ADDRESS (Optional): Attorney for: Plaintiff				FOR COURT USE ONLY	
Ref No. or File No.: 10171-81670					
Insert name of Court, and Judicial District and Branch Court: UNITED STATES DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK					
Plaintiff: MICROSOFT CORPORATION Defendant: ACACIA RESEARCH CORPORATION					
<b>PROOF OF SERVICE BY MAIL</b>		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER: 13 CV 8275

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the SUMMONS IN CIVIL ACTION; COMPLAINT; CIVIL COVER SHEET; ORDER GRANTING MOTION OF PLAINTIFF MICROSOFT CORPORATION TO FILE CERTAIN DOCUMENTS UNDER SEAL; DECLARATION OF JAMES D. ARDEN IN SUPPORT OF MICROSOFT'S MOTION TO SEAL; RULE 7.1 STATEMENT; JUDGE PAUL A. CROTTY, U.S.D.J RULES; JUDGE MICHAEL H. DOLINGER RULES; SDNY ECF RULES ON ACACIA RESEARCH CORPORATION
- By placing 2 sets of documents for each agent enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States mail at Santa Ana, California, Addressed as follows:
  - Date of Mailing: November 20, 2013
  - Place of Mailing: SANTA ANA, California
  - Addressed as follows: ACACIA RESEARCH CORPORATION  
ATTENTION: PAUL R. RYAN OR MATTHEW VELLA - REGISTERED AGENTS  
500 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at SANTA ANA, California in the ordinary course of business.

Fee for Service:

**NATIONWIDE LEGAL**  
**Nationwide Legal, LLC (12-234648)**  
**1609 James M. Wood Blvd., 2nd Fl**  
**Los Angeles, CA 90015**  
**(213) 249-9999**  
**www.nationwideasap.com**

I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **November 21, 2013**.

Signature: \_\_\_\_\_

**FRANK HARRIGAN**

**PROOF OF SERVICE BY MAIL**